

# SENATE, No. 192

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator CHRISTOPHER J. CONNORS**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

Prevents use of condemnation to acquire residential and other private property under redevelopment laws.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the condemnation of certain property and  
2 amending and supplementing P.L.1992, c.79.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to  
8 read as follows:

9 3. As used in this act:

10 "Bonds" means any bonds, notes, interim certificates, debentures  
11 or other obligations issued by a municipality, county,  
12 redevelopment entity, or housing authority pursuant to this act.

13 "Condemnation" means the taking of private property under the  
14 power of eminent domain pursuant to the "Eminent Domain Act of  
15 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

16 "Development" means the division of a parcel of land into two or  
17 more parcels, the construction, reconstruction, conversion,  
18 structural alteration, relocation, or enlargement of any building or  
19 other structure, or of any mining, excavation or landfill, and any use  
20 or change in the use of any building or other structure, or land or  
21 extension of use of land, for which permission may be required  
22 pursuant to the "Municipal Land Use Law," P.L.1975,  
23 c.291 (C.40:55D-1 et seq.).

24 "Governing body" means the body exercising general legislative  
25 powers in a county or municipality according to the terms and  
26 procedural requirements set forth in the form of government  
27 adopted by the county or municipality.

28 "Housing authority" means a housing authority created or  
29 continued pursuant to this act.

30 "Housing project" means a project, or distinct portion of a  
31 project, which is designed and intended to provide decent, safe and  
32 sanitary dwellings, apartments or other living accommodations for  
33 persons of low and moderate income; such work or undertaking  
34 may include buildings, land, equipment, facilities and other real or  
35 personal property for necessary, convenient or desirable  
36 appurtenances, streets, sewers, water service, parks, site  
37 preparation, gardening, administrative, community, health,  
38 recreational, educational, welfare or other purposes. The term  
39 "housing project" also may be applied to the planning of the  
40 buildings and improvements, the acquisition of property, the  
41 demolition of existing structures, the construction, reconstruction,  
42 alteration and repair of the improvements and all other work in  
43 connection therewith.

44 "Persons of low and moderate income" means persons or  
45 families who are, in the case of State assisted projects or programs,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 so defined by the Council on Affordable Housing in the Department  
2 of Community Affairs, or in the case of federally assisted projects  
3 or programs, defined as of "low and very low income" by the  
4 United States Department of Housing and Urban Development.

5 "Public body" means the State or any county, municipality,  
6 school district, authority or other political subdivision of the State.

7 "Public housing" means any housing for persons of low and  
8 moderate income owned by a municipality, county, the State or the  
9 federal government, or any agency or instrumentality thereof.

10 "Publicly assisted housing" means privately owned housing  
11 which receives public assistance or subsidy, which may be grants or  
12 loans for construction, reconstruction, conservation, or  
13 rehabilitation of the housing, or receives operational or maintenance  
14 subsidies either directly or through rental subsidies to tenants, from  
15 a federal, State or local government agency or instrumentality.

16 "Real property" means all lands, including improvements and  
17 fixtures thereon, and property of any nature appurtenant thereto or  
18 used in connection therewith, and every estate, interest and right,  
19 legal or equitable, therein, including terms for years and liens by  
20 way of judgment, mortgage or otherwise, and indebtedness secured  
21 by such liens.

22 "Redeveloper" means any person, firm, corporation or public  
23 body that shall enter into or propose to enter into a contract with a  
24 municipality or other redevelopment entity for the redevelopment or  
25 rehabilitation of an area in need of redevelopment, or an area in  
26 need of rehabilitation, or any part thereof, under the provisions of  
27 this act, or for any construction or other work forming part of a  
28 redevelopment or rehabilitation project.

29 "Redevelopment" means clearance, replanning, development and  
30 redevelopment; the conservation and rehabilitation of any structure  
31 or improvement, the construction and provision for construction of  
32 residential, commercial, industrial, public or other structures and  
33 the grant or dedication of spaces as may be appropriate or necessary  
34 in the interest of the general welfare for streets, parks, playgrounds,  
35 or other public purposes, including recreational and other facilities  
36 incidental or appurtenant thereto, in accordance with a  
37 redevelopment plan.

38 "Redevelopment agency" means a redevelopment agency created  
39 pursuant to subsection a. of section 11 of P.L.1992,  
40 c.79 (C.40A:12A-11) or established heretofore pursuant to the  
41 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-  
42 1 et seq.), repealed by this act, which has been permitted in  
43 accordance with the provisions of this act to continue to exercise its  
44 redevelopment functions and powers.

45 "Redevelopment area" or "area in need of redevelopment" means  
46 an area determined to be in need of redevelopment pursuant to  
47 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6)

1 or determined heretofore to be a "blighted area" pursuant to  
2 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both  
3 determinations as made pursuant to the authority of Article VIII,  
4 Section III, paragraph 1 of the Constitution. A redevelopment area  
5 may include lands, buildings, or improvements which of themselves  
6 are not detrimental to the public health, safety or welfare, but the  
7 inclusion of which is found necessary, with or without change in  
8 their condition, for the effective redevelopment of the area of which  
9 they are a part; except that the boundaries of a redevelopment area  
10 shall not be extended to include property that is legally occupied as  
11 residential property and maintained in accordance with applicable  
12 housing code and construction code standards.

13 "Redevelopment entity" means a municipality or an entity  
14 authorized by the governing body of a municipality pursuant to  
15 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to  
16 implement redevelopment plans and carry out redevelopment  
17 projects in an area in need of redevelopment, or in an area in need  
18 of rehabilitation, or in both.

19 "Redevelopment plan" means a plan adopted by the governing  
20 body of a municipality for the redevelopment or rehabilitation of all  
21 or any part of a redevelopment area, or an area in need of  
22 rehabilitation, which plan shall be sufficiently complete to indicate  
23 its relationship to definite municipal objectives as to appropriate  
24 land uses, public transportation and utilities, recreational and  
25 municipal facilities, and other public improvements; and to indicate  
26 proposed land uses and building requirements in the redevelopment  
27 area or area in need of rehabilitation, or both.

28 "Redevelopment project" means any work or undertaking  
29 pursuant to a redevelopment plan; such undertaking may include  
30 any buildings, land, including demolition, clearance or removal of  
31 buildings from land, equipment, facilities, or other real or personal  
32 properties which are necessary, convenient, or desirable  
33 appurtenances, such as but not limited to streets, sewers, utilities,  
34 parks, site preparation, landscaping, and administrative, community,  
35 health, recreational, educational, and welfare facilities.

36 "Rehabilitation" means an undertaking, by means of extensive  
37 repair, reconstruction or renovation of existing structures, with or  
38 without the introduction of new construction or the enlargement of  
39 existing structures, in any area that has been determined to be in  
40 need of rehabilitation or redevelopment, to eliminate substandard  
41 structural or housing conditions and arrest the deterioration of that  
42 area.

43 "Rehabilitation area" or "area in need of rehabilitation" means  
44 any area determined to be in need of rehabilitation pursuant to  
45 section 14 of P.L.1992, c.79 (C.40A:12A-14).

46 (cf: P.L.1992, c.79, s.3)

1       2. Section 5 of P.L.1992, c.79 (C.40A:12A-5) is amended to  
2 read as follows:

3       5. A delineated area may be determined to be in need of  
4 redevelopment if, after investigation, notice and hearing as provided  
5 in section 6 of P.L.1992, c.79 (C.40A:12A-6), the governing body  
6 of the municipality by resolution concludes that within the  
7 delineated area any of the following conditions is found:

8       a. The generality of buildings are substandard, unsafe,  
9 unsanitary, dilapidated, or obsolescent, or possess any of such  
10 characteristics, or are so lacking in light, air, or space, as to be  
11 conducive to unwholesome living or working conditions.

12       b. The discontinuance of the use of buildings previously used  
13 for commercial, manufacturing, or industrial purposes; the  
14 abandonment of such buildings; or the same being allowed to fall  
15 into so great a state of disrepair as to be untenable.

16       c. Land that is owned by the municipality, the county, a local  
17 housing authority, redevelopment agency or redevelopment entity,  
18 or unimproved vacant land that has remained so for a period of ten  
19 years prior to adoption of the resolution, and that by reason of its  
20 location, remoteness, lack of means of access to developed sections  
21 or portions of the municipality, or topography, or nature of the soil,  
22 is not likely to be developed through the instrumentality of private  
23 capital.

24       d. Areas with buildings or improvements which, by reason of  
25 dilapidation, obsolescence, overcrowding, faulty arrangement or  
26 design, lack of ventilation, light and sanitary facilities, excessive  
27 land coverage, deleterious land use or obsolete layout, or any  
28 combination of these or other factors, are detrimental to the safety,  
29 health, morals, or welfare of the community.

30       e. A **【growing lack or total】** lack of proper utilization of areas,  
31 in some instances, caused by the condition of the title**【,】** or diverse  
32 ownership of the real property therein **【or other conditions,**  
33 **resulting in a stagnant or not fully】** that prevents the productive  
34 **【condition】** utilization of land which could be potentially useful  
35 and valuable for contributing to and serving the public health,  
36 safety and welfare.

37       f. Areas, in excess of five contiguous acres, whereon buildings  
38 or improvements have been destroyed, consumed by fire,  
39 demolished or altered by the action of storm, fire, cyclone, tornado,  
40 earthquake or other casualty in such a way that the aggregate  
41 assessed value of the area has been materially depreciated.

42       g. In any municipality in which an enterprise zone has been  
43 designated pursuant to the "New Jersey Urban Enterprise Zones  
44 Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the  
45 actions prescribed in that act for the adoption by the municipality  
46 and approval by the New Jersey Urban Enterprise Zone Authority

1 of the zone development plan for the area of the enterprise zone  
2 shall be considered sufficient for the determination that the area is  
3 in need of redevelopment pursuant to sections 5 and 6 of P.L.1992,  
4 c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax  
5 exemptions within the enterprise zone district pursuant to the  
6 provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption  
7 of a tax abatement and exemption ordinance pursuant to the  
8 provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The  
9 municipality shall not utilize any other redevelopment powers  
10 within the urban enterprise zone unless the municipal governing  
11 body and planning board have also taken the actions and fulfilled  
12 the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.)  
13 for determining that the area is in need of redevelopment or an area  
14 in need of rehabilitation and the municipal governing body has  
15 adopted a redevelopment plan ordinance including the area of the  
16 enterprise zone.

17 h. The designation of the delineated area is consistent with  
18 smart growth planning principles adopted pursuant to law or  
19 regulation.  
20 (cf: P.L.2003, c.125, s.3)

21

22 3. Section 6 of P.L.1992, c.79 (C.40A:12A-6) is amended to  
23 read as follows:

24 6. a. No area of a municipality shall be determined a  
25 redevelopment area unless the governing body of the municipality  
26 shall, by **【resolution】 ordinance**, authorize the planning board to  
27 undertake a preliminary investigation to determine whether the  
28 proposed area is a redevelopment area according to the criteria set  
29 forth in section 5 of P.L.1992, c.79 (C.40A:12A-5). Such  
30 determination shall be made after public notice and public hearing  
31 as provided in subsection b. of this section. The governing body of  
32 a municipality shall assign the conduct of the investigation and  
33 hearing to the planning board of the municipality.

34 b. (1) Before proceeding to a public hearing on the matter, the  
35 planning board shall prepare a map showing the boundaries of the  
36 proposed redevelopment area and the location of the various parcels  
37 of property included therein. There shall be appended to the map a  
38 statement setting forth the basis for the investigation.

39 (2) The planning board shall specify a date for and give notice  
40 of a hearing for the purpose of hearing persons who are interested in  
41 or would be affected by a determination that the delineated area is a  
42 redevelopment area.

43 (3) The hearing notice shall set forth the general boundaries of  
44 the area to be investigated and state that a map has been prepared  
45 and can be inspected at the office of the municipal clerk. A copy of  
46 the notice shall be published in a newspaper of general circulation

1 in the municipality once each week for two consecutive weeks, and  
2 the last publication shall be not less than ten days prior to the date  
3 set for the hearing. A copy of the notice shall be **mailed** sent by  
4 certified mail, at least **ten** 14 days prior to the date set for the  
5 hearing to the last owner, **if any,** of each parcel of property within  
6 the area according to the assessment records of the municipality. A  
7 notice shall also be sent by certified mail to all persons at their last  
8 known address, **if any,** whose names are noted on the assessment  
9 records as claimants of an interest in any such parcel. The assessor  
10 of the municipality shall make a notation upon the records when  
11 requested to do so by any person claiming to have an interest in any  
12 parcel of property in the municipality. The notice shall be  
13 published and mailed by the municipal clerk by certified mail, or by  
14 such clerk or official as the planning board shall otherwise  
15 designate. **Failure to mail any such notice shall not invalidate the**  
16 **investigation or determination thereon.**

17 (4) At the hearing, which may be adjourned from time to time,  
18 the planning board shall hear all persons who are interested in or  
19 would be affected by a determination that the delineated area is a  
20 redevelopment area. All objections to such a determination and  
21 evidence in support of those objections, given orally or in writing,  
22 shall be received and considered and made part of the public record.

23 (5) After completing its hearing on this matter, the planning  
24 board shall recommend that the delineated area, or any part thereof,  
25 be determined, or not be determined, by the municipal governing  
26 body to be a redevelopment area. After receiving the  
27 recommendation of the planning board, the municipal governing  
28 body may adopt **a resolution** an ordinance determining that the  
29 delineated area, or any part thereof, is a redevelopment area. Upon  
30 the adoption of **a resolution** an ordinance, the clerk of the  
31 municipality shall, forthwith, transmit a copy of the **resolution**  
32 ordinance to the Commissioner of Community Affairs for review.  
33 If the area in need of redevelopment is not situated in an area in  
34 which development or redevelopment is to be encouraged pursuant  
35 to any State law or regulation promulgated pursuant thereto, the  
36 determination shall not take effect without first receiving the review  
37 and the approval of the commissioner. If the commissioner does  
38 not issue an approval or disapproval within 30 calendar days of  
39 transmittal by the clerk, the determination shall be deemed to be  
40 approved. If the area in need of redevelopment is situated in an  
41 area in which development or redevelopment is to be encouraged  
42 pursuant to any State law or regulation promulgated pursuant  
43 thereto, then the determination shall take effect after the clerk has  
44 transmitted a copy of the **resolution** ordinance to the  
45 commissioner. The determination, if supported by substantial

1 evidence and, if required, approved by the commissioner, shall be  
2 binding and conclusive upon all persons affected by the  
3 determination. Notice of the determination shall be served, within  
4 10 days after the determination, upon each person who filed a  
5 written objection thereto and stated, in or upon the written  
6 submission, an address to which notice of determination may be  
7 sent.

8 (6) **【If written objections were filed in connection with the**  
9 **hearing, the municipality shall, for 45 days next following its**  
10 **determination to which the objections were filed, take no further**  
11 **action to acquire any property by condemnation within the**  
12 **redevelopment area.】** (Deleted by amendment, P.L. , c. )  
13 (pending before the Legislature as this bill)

14 (7) If a person who filed a written objection to a determination  
15 by the municipality pursuant to this subsection shall, within 45 days  
16 after the adoption by the municipality of the determination to which  
17 the person objected, apply to the Superior Court, the court may  
18 grant further review of the determination by procedure in lieu of  
19 prerogative writ; and in any such action the court may make any  
20 incidental order that it deems proper.

21 c. An area determined to be in need of redevelopment pursuant  
22 to this section shall be deemed to be a "blighted area" for the  
23 purposes of Article VIII, Section III, paragraph 1 of the  
24 Constitution. If an area is determined to be a redevelopment area  
25 and a redevelopment plan is adopted for that area in accordance  
26 with the provisions of this act, the municipality is authorized to  
27 utilize all those powers provided in section 8 of  
28 P.L.1992, c.79 (C.40A:12A-8).  
29 (cf: P.L.2003, c.125, s.4)  
30

31 4. Section 8 of P.L.1992, c.79 (C.40A:12A-8) is amended to  
32 read as follows:

33 8. Upon the adoption of a redevelopment plan pursuant to  
34 section 7 of P.L.1992, c.79 (C.40A:12A-7) and the fulfillment of  
35 those conditions set forth in section 6 of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill),  
37 the municipality or redevelopment entity designated by the  
38 governing body may proceed with the clearance, replanning,  
39 development and redevelopment of the area designated in that plan.  
40 In order to carry out and effectuate the purposes of this act and the  
41 terms of the redevelopment plan, the municipality or designated  
42 redevelopment entity may:

43 a. Undertake redevelopment projects, and for this purpose issue  
44 bonds in accordance with the provisions of section 29 of P.L.1992,  
45 c.79 (C.40A:12A-29).



1       b. Acquire property pursuant to subsection i. of section 22 of  
2 P.L.1992, c.79 (C.40A:12A-22).

3       c. Acquire, by condemnation, any land or building which is  
4 necessary for the redevelopment project, pursuant to the provisions  
5 of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-  
6 1 et seq.) except as provided below:

7       (1) land and buildings legally occupied as residential property  
8 and maintained in accordance with applicable housing code and  
9 construction code standards shall not be acquired under this  
10 subsection;

11       (2) private property within a redevelopment area that is not  
12 itself in need of redevelopment shall not be taken for the use of, or  
13 transfer to, a private entity for economic development purposes  
14 pursuant to this subsection.

15       d. Clear any area owned or acquired and install, construct or  
16 reconstruct streets, facilities, utilities, and site improvements  
17 essential to the preparation of sites for use in accordance with the  
18 redevelopment plan.

19       e. Prepare or arrange by contract for the provision of  
20 professional services and the preparation of plans by registered  
21 architects, licensed professional engineers or planners, or other  
22 consultants for the carrying out of redevelopment projects.

23       f. Arrange or contract with public agencies or redevelopers for  
24 the planning, replanning, construction, or undertaking of any  
25 project or redevelopment work, or any part thereof; negotiate and  
26 collect revenue from a redeveloper to defray the costs of the  
27 redevelopment entity, including where applicable the costs incurred  
28 in conjunction with bonds, notes or other obligations issued by the  
29 redevelopment entity, and to secure payment of such revenue; as  
30 part of any such arrangement or contract, provide for extension of  
31 credit, or making of loans, to redevelopers to finance any project or  
32 redevelopment work, or upon a finding that the project or  
33 redevelopment work would not be undertaken but for the provision  
34 of financial assistance, or would not be undertaken in its intended  
35 scope without the provision of financial assistance, provide as part  
36 of an arrangement or contract for capital grants to redevelopers; and  
37 arrange or contract with public agencies or redevelopers for the  
38 opening, grading or closing of streets, roads, roadways, alleys, or  
39 other places or for the furnishing of facilities or for the acquisition  
40 by such agency of property options or property rights or for the  
41 furnishing of property or services in connection with a  
42 redevelopment area.

43       g. Lease or convey property or improvements to any other  
44 party pursuant to this section, without public bidding and at such  
45 prices and upon such terms as it deems reasonable, provided that  
46 the lease or conveyance is made in conjunction with a  
47 redevelopment plan, notwithstanding the provisions of any law,

- 1 rule, or regulation to the contrary.
- 2 h. Enter upon any building or property in any redevelopment
- 3 area in order to conduct investigations or make surveys, sounding or
- 4 test borings necessary to carry out the purposes of this act.
- 5 i. Arrange or contract with a public agency for the relocation,
- 6 pursuant to the "Relocation Assistance Law of 1967," P.L.1967,
- 7 c.79 (C.52:31B-1 et seq.) and the "Relocation Assistance Act,"
- 8 P.L.1971, c.362 (C.20:4-1 et seq.), of residents, industry or
- 9 commerce displaced from a redevelopment area.
- 10 j. Make, consistent with the redevelopment plan: (1) plans for
- 11 carrying out a program of voluntary repair and rehabilitation of
- 12 buildings and improvements; and (2) plans for the enforcement of
- 13 laws, codes, and regulations relating to the use and occupancy of
- 14 buildings and improvements, and to the compulsory repair,
- 15 rehabilitation, demolition, or removal of buildings and
- 16 improvements.
- 17 k. Request that the planning board recommend and governing
- 18 body designate particular areas as being in need of redevelopment
- 19 or rehabilitation in accordance with the provisions of this act and
- 20 make recommendations for the redevelopment or rehabilitation of
- 21 such areas.
- 22 l. Study the recommendations of the planning board or
- 23 governing body for redevelopment of the area.
- 24 m. Publish and disseminate information concerning any
- 25 redevelopment area, plan or project.
- 26 n. Do all things necessary or convenient to carry out its powers.
- 27 (cf: P.L.1992, c.79, s.8)
- 28
- 29 5. Section 14 of P.L.1992, c.79 (C.40A:12A-14) is amended to
- 30 read as follows:
- 31 14. a. A delineated area may be determined to be in need of
- 32 rehabilitation if the governing body of the municipality determines
- 33 by **resolution** ordinance that there exist in that area conditions
- 34 such that (1) a significant portion of structures therein are in a
- 35 deteriorated or substandard condition and there is a continuing
- 36 pattern of vacancy, abandonment or underutilization of properties in
- 37 the area, with a persistent arrearage of property tax payments
- 38 thereon or (2) more than half of the housing stock in the delineated
- 39 area is at least 50 years old, or a majority of the water and sewer
- 40 infrastructure in the delineated area is at least 50 years old and is in
- 41 need of repair or substantial maintenance; and (3) a program of
- 42 rehabilitation, as defined in section 3 of P.L.1992,
- 43 c.79 (C.40A:12A-3), may be expected to prevent further
- 44 deterioration and promote the overall development of the
- 45 community. Where warranted by consideration of the overall
- 46 conditions and requirements of the community, a finding of need

1 for rehabilitation may extend to the entire area of a municipality.  
2 Prior to adoption of the **【resolution】 ordinance**, the governing body  
3 shall submit it to the municipal planning board for its review.  
4 Within 45 days of its receipt of the proposed **【resolution】**  
5 **ordinance**, the municipal planning board shall submit its  
6 recommendations regarding the proposed **【resolution】 ordinance**,  
7 including any modifications which it may recommend, to the  
8 governing body for its consideration. Thereafter, or after the  
9 expiration of the 45 days if the municipal planning board does not  
10 submit recommendations, the governing body may adopt the  
11 **【resolution】 ordinance**, with or without modification. The  
12 **【resolution】 ordinance** shall not become effective without the  
13 approval of the commissioner pursuant to section 6 of P.L.1992,  
14 c.79 (C.40A:12A-6), if otherwise required pursuant to that section.

15 b. A delineated area shall be deemed to have been determined  
16 to be an area in need of rehabilitation in accordance with the  
17 provisions of this act if it has heretofore been determined to be an  
18 area in need of rehabilitation pursuant to P.L.1975, c.104 (C.54:4-  
19 3.72 et seq.), P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979,  
20 c.233 (C.54:4-3.121 et seq.).

21 (cf: P.L.2003, c.125, s.5)

22

23 6. (New section) a. Prior to undertaking any action to acquire  
24 any property by condemnation within an area in need of  
25 redevelopment or an area in need of rehabilitation, the  
26 redevelopment entity shall make a declaration of public purpose,  
27 which shall be by ordinance if the redevelopment entity is a  
28 municipality, or by resolution if the redevelopment entity is an  
29 entity authorized by the governing body of the municipality  
30 pursuant to subsection c. of section 4 of P.L.1992,  
31 c.79 (C.40A:12A-4).

32 b. Regardless of whether the redevelopment entity is the  
33 municipality or another entity designated by the municipality, the  
34 declaration of public purpose shall occur only upon proper  
35 notification having been provided not less than 14 days prior to the  
36 first reading of the ordinance or introduction of the resolution, as  
37 the case may be. If the municipality is the redevelopment entity,  
38 publication shall occur pursuant to R.S.40:49-2. If the municipality  
39 has designated another entity as the redevelopment entity, a copy of  
40 the intent to adopt a declaration of public purpose shall be  
41 published in a newspaper of general circulation in the municipality.

42 c. In addition to the publication requirements in subsection b.  
43 of this section, a copy of the notice shall be sent by certified mail at  
44 least 14 days prior to the date set for the hearing to the last owner of  
45 each parcel of property subject to the declaration of public purpose  
46 according to the assessment records of the municipality. A notice

1 shall also be sent to all persons, at their last known address, whose  
2 names are noted on the assessment records as claimants of an  
3 interest in any such parcel. The assessor of the municipality shall  
4 make a notation upon the records when requested to do so by any  
5 person claiming to have an interest in any parcel of property in the  
6 municipality.

7 d. A declaration of public purpose shall set forth, in detail, the  
8 public purposes for which the condemnation action is being  
9 undertaken by the redevelopment entity.

10

11 7. This act shall take effect immediately.

12

13

14

**STATEMENT**

15

16 This bill would tighten the requirements for the use of the power  
17 of eminent domain (condemnation) for redevelopment purposes.  
18 Specifically, within a redevelopment (blighted) area, the power of  
19 eminent domain could not be used to condemn a property that is  
20 legally occupied as residential property and maintained in  
21 accordance with applicable housing code and construction code  
22 standards. This bill would prevent the taking of private property,  
23 private homes and other residential units, by condemnation, to  
24 accomplish private economic development objectives, such as the  
25 construction of non-public office buildings, mega-stores, and  
26 shopping centers. In those cases, the acquisition of private property  
27 that is not in need of redevelopment would have to be accomplished  
28 through a fair market sale.